

CASES 972-AT-20 & 973-AT-20

PRELIMINARY MEMORANDUM

February 20, 2020

Petitioner: Zoning Administrator

Request: Case 972-AT-20

Part A: Amend the Champaign County Zoning Ordinance to add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center, as detailed in the full legal description in Attachment A.

Part B: Amend the Champaign County Zoning Ordinance to add requirements for adult cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000 population, as detailed in the full legal description in Attachment A.

Case 973-AT-20

Part A: Amend the Champaign County Zoning Ordinance to add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center, as detailed in the full legal description in Attachment A.

Part B: Amend the Champaign County Zoning Ordinance to add requirements for adult cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000 population, as detailed in the full legal description in Attachment A.

Part C: Add requirements to authorize the following adult cannabis businesses except within 1.5 miles of non-home rule municipalities and except within 1.5 miles of a home rule municipality with a population of 20,000 or less and except within 1.5 miles of a residential zoning district located more than 1.5 miles from a home rule municipality with more than 20,000 population, as detailed in the full legal description in Attachment A.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner

John Hall, Zoning Administrator

BACKGROUND

The Cannabis Regulation and Tax Act (CRTA; House Bill 1438) became law on January 1, 2020. A unit of local government has up to one year to prohibit the establishment of a cannabis business.

Attachment B is the ELUC memo dated December 23, 2019, which provides additional information about the proposed amendment and the differences between Case 972-AT-20 and Case 973-AT-20.

ELUC AND COUNTY BOARD INPUT TO DATE

Cannabis regulation was first discussed by ELUC at its October 10, 2019 meeting, with the introduction of a proposed amendment that would allow each of the various types of cannabis related land uses authorized by the CRTA to be permitted by-right within specific zoning districts in Champaign County. One member expressed concern about access to cannabis by minors in smaller towns. There were only six members present at the meeting, and there was no majority of ELUC that supported sending the proposed amendment to a public hearing. The Zoning Ordinance amendment was continued for consideration to the November 7, 2019, ELUC meeting.

At the November 7, 2019 meeting, John Hall introduced the same proposed amendment that was introduced in October, and another proposed amendment that was a model ordinance prohibiting adult cannabis uses in unincorporated Champaign County. One resident from Penfield commented that Penfield is a quiet town and they would like it kept that way, in reference to allowing cannabis related business there. There were only six members present and the vote on both ordinances was a tie. However, the tie vote on the proposed “by right” Zoning Ordinance text amendment meant that the proposed amendment did not proceed to the ZBA, but because the prohibition ordinance was for County Board consideration, the tie vote allowed that ordinance to proceed to the full Board without a recommendation. The following is a summary of comments from ELUC members from the November 7, 2019 meeting:

Generally in favor of allowing adult use cannabis related businesses:

- One member said that cannabis related businesses will become a state allowable endeavor that has a tax benefit for the county. We voted to tax these businesses in all unincorporated Champaign County, so it would be odd to vote to collect tax from a business and then say they can't have a business.
- Regarding cultivation centers, the same member asked, would we contradict our own right to agriculture if we don't allow a grower to grow, and do we put ourselves in a position to be litigated against. The answer was that the state has given counties the right to opt-out.
- Another member stated that the discussion is more about whether someone has the right to own a certain type of business. It's a highly regulated law. They don't see the point in something being legal and we say that Champaign County isn't open for business.

Generally opposed to allowing adult use cannabis related businesses:

- One member did not want to see recreational cannabis businesses come into small towns, with the primary concern being the physical proximity to people under age 21. They suggested seeing how recreational marijuana sales play out in Champaign-Urbana before deciding on the unincorporated areas.
- Another member stated that hemp growing is going to be done in regular fields. Since our soils are so good, people are afraid it will go over the 0.3 THC limit. Not sure that industrial hemp could be grown in this area. We're so early in this, we don't know what it's going to be, and he is worried about the unintended consequences rather than the fact that we are trying to regulate business. This member was against the proposed amendment based on that.
- Another member said that young people are most impacted by marijuana and cannabis use. They said that our biggest issue is what happens in unincorporated areas where there isn't a structure in place to regulate. It's easier to control if we don't allow it in the first place.

At the November 21, 2019 County Board meeting, there was much debate regarding the cannabis prohibition ordinance, which the Board ultimately chose not to approve. A compromise was eventually proposed that would prohibit cannabis related uses within 1.5 miles of municipalities that did not also allow cannabis related uses, and also prohibit cannabis related uses from being near unincorporated settlements such as Penfield and Seymour. The compromise was also proposed to require similar requirements as required by those municipalities that already allowed cannabis uses, reasoning that such municipalities had already gained experience with such uses. The Board referred the topic back to ELUC for further consideration.

At the January 9, 2020, ELUC meeting, John Hall returned with the same pair of proposals that is now before the ZBA. ELUC members unanimously approved sending both proposed amendments to the ZBA. The following is a summary of comments from ELUC members from the January 9, 2020 meeting:

Generally in favor of Option A: within 1.5 miles of Champaign-Urbana only

- One member said that it bothers them that the craft grower use is undefined, where we know what a cultivation center is. They are concerned that we are going to over-produce and have an oversupply. They felt that Option A would be a good place to start and then maybe, if needed, we can come back and re-visit it and make changes in the future.
- Another member supports Option A more than Option B, but could live with Option B. They said that if there was a grow center out in County, appropriately zoned, it would be OK. As far as the special use permit, they support keeping that at the County Board level.
- Another member would be able to, very hesitantly, vote for Option A. They said that with Option B, it concerns them that it could come into the unincorporated areas when the communities don't want that type of business. They have been contacted by people saying they don't want it. They would like to slow down and slowly go into this, but could support sending both options to the ZBA.

Generally in favor of Option B: alternative transporter, cultivation center, and craft grower

- One member said Option B would be more of a compromise that was suggested at the County Board meeting, and favored keeping the Special Use Permit in Option B at the County Board level.
- Another member said that they support Option B more than Option A at this point, but it just makes sense to send them both to ZBA now.
- Another member said that they don't think the County should limit anyone's ability to grow cannabis if it's done within the county zoning, and doesn't think we should limit access to economic development around this.

REQUESTED ACTION BY THE ZBA

Case 972-AT-20 only authorizes cannabis businesses within the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more (i.e. Champaign and Urbana).

Case 973-AT-20 is an alternative version for the Transporter, Cultivation Center, and Craft Grower uses that authorizes these types of cannabis businesses anywhere in the AG-1 District (Transporter only as a Home Occupation) but requires a 1.5 mile buffer around villages and home rule municipalities that do not allow cannabis uses and also around residential districts such as Penfield and Seymour.

The ZBA is being asked to make a recommendation of approval or denial for both cases so that ELUC and the County Board can consider both proposed amendments. The Board can always recommend changes to either option before making its recommendations. The Board could forward both amendments to ELUC with a recommendation for denial, but this would effectively countermand the County Board's decision to deny the prohibition of cannabis uses at their November 21, 2019 meeting.

ATTACHMENTS

- A Legal advertisement
- B ELUC Memorandum dated December 23, 2019, with attachments:
 - A Proposed Amendment
 - B Alternative Transporter, Cultivation Center, and Craft Grower
- C Side-by-side comparison of proposed amendments in Cases 972-AT-20 and 973-AT-20
- D Land Resource Management Plan (LRMP) Goals & Objectives
- E Excerpt pages from the Cannabis Regulation and Tax Act (PA 101-0027)*
- F City of Urbana cannabis amendment Ordinance 2019-10-059
- G Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated February 27, 2020, with attachment:
 - G1 Proposed amendment
- H Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated February 27, 2020, with attachment:
 - H1 Proposed amendment

MATERIALS AVAILABLE ONLINE

http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

* Full version of the Cannabis Regulation and Tax Act (PA 101-0027)

White paper: *Recreational Cannabis in Illinois Counties: The Cannabis Regulation and Tax Act*, dated July 31, 2019

LEGAL PUBLICATION: WEDNESDAY, FEBRUARY 12, 2020
CASES: 972-AT-20 & 973-AT-20

**NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT
OF THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASES 972-AT-20 & 973-AT-20

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed petitions to amend the text of the Champaign County Zoning Ordinance. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, February 27, 2020 at 6:30 p.m.** prevailing time in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

Case 972-AT-20

Amend the Champaign County Zoning Ordinance as follows:

- A. Add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center.
- B. Add requirements to authorize adult cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000 population as follows:
 1. Authorize adult-use cannabis Dispensing Organization by right in the B-4 Zoning District subject to specified conditions.
 2. Authorize adult-use cannabis Infuser Organization by right in the I-2 Zoning District subject to specified conditions.
 3. Authorize adult-use cannabis Processing Organization by right in the I-2 Zoning District subject to specified conditions.
 4. Authorize adult-use cannabis Transporting Organization by right in the B-3 and B-4 Zoning Districts subject to specified conditions or as a Special Use Permit in the AG-2 Zoning District subject to conditions or as a home occupation in any zoning district subject to specified conditions.
 5. Authorize adult-use cannabis Cultivation Center by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.
 6. Authorize adult-use cannabis Craft Grower by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.

Case 973-AT-20

Amend the Champaign County Zoning Ordinance as follows:

- A. Add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center.

- B. Add requirements to authorize the following adult cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000 population as follows:
 1. Authorize adult-use cannabis Dispensing Organization by right in the B-4 Zoning District subject to specified conditions.

 2. Authorize adult-use cannabis Infuser Organization by right in the I-2 Zoning District subject to specified conditions.

 3. Authorize adult-use cannabis Processing Organization by right in the I-2 Zoning District subject to specified conditions.

- C. Add requirements to authorize the following adult cannabis businesses except within 1.5 miles of non-home rule municipalities and except within 1.5 miles of a home rule municipality with a population of 20,000 or less and except within 1.5 miles of a residential zoning district located more than 1.5 miles from a home rule municipality with more than 20,000 population, as follows:
 1. Authorize adult-use cannabis Transporting Organization by right in the B-3 and B-4 Zoning Districts or as a County Board approved Special Use Permit in the AG-2 Zoning District subject to conditions or as a home occupation in any zoning district subject to specified conditions.

 2. Authorize adult-use cannabis Cultivation Center by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.

 3. Authorize adult-use cannabis Craft Grower by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, FEBRUARY 12, 2020, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

Phone: 384-3708

Champaign County
Department of



Brookens Administrative
Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

TO: Environment and Land Use Committee

FROM: John Hall, Zoning Administrator

DATE: December 23, 2019

**RE: Direction Regarding Revised Proposed Zoning Ordinance Text
Amendment for Adult Use Cannabis Zoning Regulations Pursuant to
Public Act 101-0027**

BACKGROUND

The Committee reviewed both a proposed Zoning Ordinance text amendment pursuant to the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027) and a proposed cannabis prohibition ordinance at their November 5, 2019, meeting and forwarded the prohibition ordinance to the County Board. After extensive debate the County Board chose not to approve the prohibition ordinance and referred the issue back to ELUC.

REVISED PROPOSED AMENDMENT

A revised Zoning Ordinance text amendment is attached. The revisions are based on the discussion at the 11/21/19 County Board meeting. Key considerations and questions about the amendment are the following:

1. The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.
2. The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).
3. The basic proposed amendment only authorizes cannabis uses within 1.5 miles of Champaign and Urbana which are each a “home rule municipality with more than 20,000 population”. Note that the amendment distinguishes between “home rule municipalities with more than 20,000 population” (the Cities of Champaign and Urbana, who both allow sales of cannabis) and “home rule municipality with a population less than 20,000” (the Village of Rantoul that does not allow cannabis).
4. Within 1.5 miles of Champaign and Urbana the proposed amendment will require the same standards as are required by the nearest home rule municipality. Champaign does not require anything other than compliance with the Act but Urbana has additional requirements and those requirements are proposed to be requirements that must be met in the Urbana ETJ area.
5. The proposed amendment follows the relevant municipal requirements regarding consumption of cannabis. Neither Champaign nor Urbana currently allow onsite consumption of cannabis at Dispensaries.
6. The proposed amendment proposes more restrictive requirements than corresponding municipal requirements in the case of Cultivation Center and/or Craft Grower that are proposed to be located 300 feet or less from an existing residence or an existing residentially zoned lot. The proposed amendment requires a County Board approved Special Use Permit similar to the City of

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Urbana requirements but the proposed amendment requires that County Board approved Special Use Permit even within the City of Champaign ETJ Area and in the rural area under the alternative scheme. This Special Use Permit could be downgraded to a Zoning Board of Appeals Special Use Permit and it could be limited to only the City of Urbana ETJ Area.

7. The proposed amendment includes a requirement for control of night lighting. Some cultivation centers grow cannabis in greenhouses and the night lighting can be a nuisance to neighbors.
8. As much as possible the draft amendment provides guidance on what accessory uses may be and what is required for those accessory uses to be in compliance with local zoning. For example, Cultivation Centers are allowed to also do processing, infusing, and transporting of cannabis that is grown onsite.
9. The proposed amendment also specifies that a Transporter may be a home occupation provided the use complies with the relevant home occupation standards.
10. There are two alternatives regarding Transporters, Cultivation Centers and Craft Growers vis-à-vis the AG-1 District:
 - Attachment A is the basic amendment and only authorizes cannabis businesses within the 1.5 mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more (ie, Champaign and Urbana).
 - Attachment B is an alternative version for Transporter, Cultivation Center, and Craft Grower that authorizes these types of cannabis businesses anywhere in the AG-1 District (Transporter only as a Home Occupation) but requires a 1.5 mile buffer around villages and home rule municipalities that do not allow cannabis uses and also around residential districts such as Penfield and Seymour. This creates many more opportunities at the risk of allowing these uses to convert more best prime farmland.

REVIEW BY STATE’S ATTORNEY’S OFFICE

Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).

ATTACHMENTS

- A Proposed Amendment
- B Alternative Transporter, Cultivation Center, and Craft Grower

Attachment A. Alternative Transporter, Cultivation Center, and Craft Grower

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1. Add the following definitions to Section 3 Definitions:

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

2. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “ADULT-USE CANNABIS DISPENSING ORGANIZATION” to be allowed By-Right in the B-4 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

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- (1) Shall not be located within 1,500 feet of any existing ADULT-USE CANNABIS DISPENSING ORGANIZATION or any existing medical cannabis dispensing organization.
 - (2) If located within the 1.5 mile extraterritorial jurisdiction of a home rule municipality that has minimum separation requirements between a dispensing organization to a public or private elementary or secondary school, the use shall comply with those same municipal separation requirements.
 - (3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.
 - (4) Consumption of CANNABIS is allowed at the ADULT-USE CANNABIS DISPENSING ORGANIZATION if located within the 1.5 mile extraterritorial jurisdiction of a home rule municipality that also allows consumption of CANNABIS at an ADULT-USE CANNABIS DISPENSING ORGANIZATION.
 - (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
- b. Add “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION” to be allowed By-Right in the B-3 and B-4 Zoning Districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a Special Use Permit in the AG-2 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a HOME OCCUPATION in any zoning district within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population subject to the relevant requirements of Section 7.1.1 or 7.1.2, subject to the following requirements:
- (1) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
- c. Add “ADULT-USE CANNABIS INFUSER ORGANIZATION” to be allowed By-Right in the I-2 Zoning District that is located within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
 - (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
- d. Add “ADULT-USE CANNABIS PROCESSING ORGANIZATION” to be allowed By-Right in the I-2 Zoning District that is located within the 1.5 mile extraterritorial

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jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
 - (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
- e. Add “ADULT-USE CANNABIS CULTIVATION CENTER” to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
 - (2) A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CULTIVATION CENTER.
 - (3) A CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION CENTER.
 - (4) The CULTIVATION CENTER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
 - (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
- f. Add “ADULT-USE CANNABIS CRAFT GROWER” to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER.
 - (2) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
 - (3) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.

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- (4) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.
- (5) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
- (6) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
- (7) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

Attachment B. Alternative Transporter, Cultivation Center, and Craft Grower

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Note: Changes to text from Attachment B version are shown in strike-out for deletion and underlining for new text.

- b. Add “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION” to be allowed By-Right in the B-3 and B-4 Zoning Districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a Special Use Permit in the AG-2 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a HOME OCCUPATION in any zoning district ~~within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population~~ subject to the relevant requirements of Section 7.1.1 or 7.1.2, subject to the following requirements:
- (1) Shall not be located less than 1.5 miles from a non-home rule municipality.
 - (2) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
 - (3) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5 mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
 - (4) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
- e. Add “ADULT-USE CANNABIS CULTIVATION CENTER” to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts ~~within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population~~, subject to the following requirements:
- (1) Shall not be located less than 1.5 miles from a non-home rule municipality.
 - (2) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
 - (3) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5 mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
 - (4) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more and that that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
 - (5) A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CULTIVATION CENTER.
 - (6) A CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION CENTER.
 - (7) The CULTIVATION CENTER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is

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December 23, 2019

- grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
- (8) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
- f. Add “ADULT-USE CANNABIS CRAFT GROWER” to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts, ~~within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population,~~ subject to the following requirements:
- (1) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER.
 - (2) Shall not be located less than 1.5 miles from a non-home rule municipality.
 - (3) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
 - (4) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5 mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
 - (5) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more and that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
 - (6) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.
 - (7) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.
 - (8) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
 - (9) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
 - (10) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

Side-by-side comparison of proposed text amendments in Cases 972-AT-20 and 973-AT-20

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

Case 972-AT-20	Case 973-AT-20
<p>1. Add the following definitions to Section 3 Definitions:</p> <p>ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</p> <p>ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</p> <p>ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</p> <p>ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</p>	<p>1. Add the following definitions to Section 3 Definitions:</p> <p>ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</p> <p>ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</p> <p>ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</p> <p>ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</p>

Side-by-side comparison of proposed text amendments in Cases 972-AT-20 and 973-AT-20

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

2. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “ADULT-USE CANNABIS DISPENSING ORGANIZATION” to be allowed By-Right in the B-4 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
 - (1) Shall not be located within 1,500 feet of any existing ADULT-USE CANNABIS DISPENSING ORGANIZATION or any existing medical cannabis dispensing organization.
 - (2) If located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that has minimum separation requirements between a dispensing organization to a public or private elementary or secondary school, the use shall comply with those same municipal separation requirements.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

2. Add the following uses to Section 5.2 Table of Authorized Principal Uses:

- a. Add “ADULT-USE CANNABIS DISPENSING ORGANIZATION” to be allowed By-Right in the B-4 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
 - (1) Shall not be located within 1,500 feet of any existing ADULT-USE CANNABIS DISPENSING ORGANIZATION or any existing medical cannabis dispensing organization.
 - (2) If located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that has minimum separation requirements between a dispensing organization to a public or private elementary or secondary school, the use shall comply with those same municipal separation requirements.

Side-by-side comparison of proposed text amendments in Cases 972-AT-20 and 973-AT-20

Underline is proposed added language

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<p>(3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.</p> <p>(4) Consumption of CANNABIS is allowed at the ADULT-USE CANNABIS DISPENSING ORGANIZATION if located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that also allows consumption of CANNABIS at an ADULT-USE CANNABIS DISPENSING ORGANIZATION.</p> <p>(5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p> <p>b. Add “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION” to be allowed By-Right in the B-3 and B-4 Zoning Districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a Special Use Permit in the AG-2 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a HOME OCCUPATION in any zoning district within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population subject to the relevant requirements of Section 7.1.1 or 7.1.2, subject to the following requirements:</p> <p>(1) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p>	<p>(3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.</p> <p>(4) Consumption of CANNABIS is allowed at the ADULT-USE CANNABIS DISPENSING ORGANIZATION if located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that also allows consumption of CANNABIS at an ADULT-USE CANNABIS DISPENSING ORGANIZATION.</p> <p>(5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p> <p>b. Add “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION” to be allowed By-Right in the B-3 and B-4 Zoning Districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a Special Use Permit in the AG-2 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a HOME OCCUPATION in any zoning district within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population subject to the relevant requirements of Section 7.1.1 or 7.1.2, subject to the following requirements:</p> <p><u>(1) Shall not be located less than 1.5 miles from a non-home rule municipality.</u></p> <p><u>(2) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.</u></p> <p><u>(3) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile</u></p>
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Side-by-side comparison of proposed text amendments in Cases 972-AT-20 and 973-AT-20

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

<p>c. Add “ADULT-USE CANNABIS INFUSER ORGANIZATION” to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p> <p>d. Add “ADULT-USE CANNABIS PROCESSING ORGANIZATION” to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and</p>	<p><u>extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.</u></p> <p>(4) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p> <p>c. Add “ADULT-USE CANNABIS INFUSER ORGANIZATION” to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p> <p>d. Add “ADULT-USE CANNABIS PROCESSING ORGANIZATION” to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:</p> <p>(1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.</p> <p>(2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and</p>
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Side-by-side comparison of proposed text amendments in Cases 972-AT-20 and 973-AT-20

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regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

- e. Add “ADULT-USE CANNABIS CULTIVATION CENTER” to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
 - (2) A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CULTIVATION CENTER.
 - (3) A CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION CENTER.
 - (4) The CULTIVATION CENTER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
 - (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and

regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

- e. Add “ADULT-USE CANNABIS CULTIVATION CENTER” to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts ~~within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population,~~ subject to the following requirements:
- (1) Shall not be located less than 1.5 miles from a non-home rule municipality.
 - (2) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
 - (3) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
 - (4) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more and that that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
 - (5) A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CULTIVATION CENTER.
 - (6) A CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS

Cases 972-AT-20 & 973-AT-20, ZBA 02/27/20, Attachment C, Page 5 of 7

Side-by-side comparison of proposed text amendments in Cases 972-AT-20 and 973-AT-20

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<p>regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p> <p>f. Add “ADULT-USE CANNABIS CRAFT GROWER” to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:</p> <ol style="list-style-type: none"> (1) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER. (2) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements. (3) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER. 	<p>INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION CENTER.</p> <p>(7) The CULTIVATION CENTER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.</p> <p>(8) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p> <p>f. Add “ADULT-USE CANNABIS CRAFT GROWER” to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts, within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:</p> <ol style="list-style-type: none"> (1) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER. (2) <u>Shall not be located less than 1.5 miles from a non-home rule municipality.</u> (3) <u>Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.</u> (4) <u>Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.</u>
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Side-by-side comparison of proposed text amendments in Cases 972-AT-20 and 973-AT-20

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<p>(4) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.</p> <p>(5) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.</p> <p>(6) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.</p> <p>(7) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p>	<p>(5) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more and that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.</p> <p>(6) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.</p> <p>(7) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.</p> <p>(8) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.</p> <p>(9) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.</p> <p>(10) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.</p>
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Champaign County Land Resource Management Plan Goals, Objectives and Policies

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 4 Agriculture

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6

Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
 - ii. adequacy of infrastructure and public services for the proposed use;
 - iii. minimizing conflict with agriculture;
 - iv. minimizing the conversion of farmland; and
 - v. minimizing the disturbance of natural areas, then,
- a. on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
 - b. on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
 - c. the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1

The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2

The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3

The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Policy 5.1.5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any



Champaign County Land Resource Management Plan Goals, Objectives and Policies

discretionary development approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2.2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1

The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 6.2.2

The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3

The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a. the operation poses no significant adverse impact to existing land uses;
- b. the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c. provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6

The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 9 Energy Conservation

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 10 Cultural Amenities

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 Objective

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

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area, East Central Illinois nonmetropolitan area, and South Illinois nonmetropolitan area.

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

"Cannabis concentrate" means a product derived from cannabis that is produced by extracting cannabinoids from the

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meets certain conditions described in this Act, but does not entitle the recipient to begin purchasing or selling cannabis or cannabis-infused products.

"Conditional Adult Use Cultivation Center License" means a license awarded to top-scoring applicants for an Adult Use Cultivation Center License that reserves the right to an Adult Use Cultivation Center License if the applicant meets certain conditions as determined by the Department of Agriculture by rule, but does not entitle the recipient to begin growing, processing, or selling cannabis or cannabis-infused products.

"Craft grower" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided

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each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

"Craft grower agent" means a principal officer, board member, employee, or other agent of a craft grower who is 21 years of age or older.

"Craft Grower Agent Identification Card" means a document issued by the Department of Agriculture that identifies a person as a craft grower agent.

"Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

"Cultivation center agent" means a principal officer, board member, employee, or other agent of a cultivation center who is 21 years of age or older.

"Cultivation Center Agent Identification Card" means a document issued by the Department of Agriculture that identifies a person as a cultivation center agent.

"Currency" means currency and coin of the United States.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed by this Act may occur.

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"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Dispensing organization agent" means a principal officer, employee, or agent of a dispensing organization who is 21 years of age or older.

"Dispensing organization agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a dispensing organization agent.

"Disproportionately Impacted Area" means a census tract or comparable geographic area that satisfies the following criteria as determined by the Department of Commerce and Economic Opportunity, that:

(1) meets at least one of the following criteria:

(A) the area has a poverty rate of at least 20%

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"Early Approval Adult Use Dispensing Organization License" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of this Act to begin selling cannabis to purchasers as permitted by this Act as of January 1, 2020.

"Early Approval Adult Use Dispensing Organization at a secondary site" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of this Act to begin selling cannabis to purchasers as permitted by this Act on January 1, 2020 at a different dispensary location from its existing registered medical dispensary location.

"Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by cannabis business establishment agents working for the licensed cannabis business establishment or acting pursuant to this Act to cultivate, process, store, or distribute cannabis.

"Enclosed, locked space" means a closet, room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by authorized individuals under this Act. "Enclosed, locked space" may include:

- (1) a space within a residential building that (i) is

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the primary residence of the individual cultivating 5 or fewer cannabis plants that are more than 5 inches tall and (ii) includes sleeping quarters and indoor plumbing. The space must only be accessible by a key or code that is different from any key or code that can be used to access the residential building from the exterior; or

(2) a structure, such as a shed or greenhouse, that lies on the same plot of land as a residential building that (i) includes sleeping quarters and indoor plumbing and (ii) is used as a primary residence by the person cultivating 5 or fewer cannabis plants that are more than 5 inches tall, such as a shed or greenhouse. The structure must remain locked when it is unoccupied by people.

"Financial institution" has the same meaning as "financial organization" as defined in Section 1501 of the Illinois Income Tax Act, and also includes the holding companies, subsidiaries, and affiliates of such financial organizations.

"Flowering stage" means the stage of cultivation where and when a cannabis plant is cultivated to produce plant material for cannabis products. This includes mature plants as follows:

(1) if greater than 2 stigmas are visible at each internode of the plant; or

(2) if the cannabis plant is in an area that has been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation, from the moment the light deprivation began through the

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remainder of the marijuana plant growth cycle.

"Individual" means a natural person.

"Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

"Kief" means the resinous crystal-like trichomes that are found on cannabis and that are accumulated, resulting in a higher concentration of cannabinoids, untreated by heat or pressure, or extracted using a solvent.

"Labor peace agreement" means an agreement between a cannabis business establishment and any labor organization recognized under the National Labor Relations Act, referred to in this Act as a bona fide labor organization, that prohibits labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the cannabis business establishment. This agreement means that the cannabis business establishment has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the cannabis business establishment's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the cannabis business establishment's employees work, for the purpose of meeting with employees to discuss their right to representation, employment

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rights under State law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

"Limited access area" means a building, room, or other area under the control of a cannabis dispensing organization licensed under this Act and upon the licensed premises with access limited to purchasers, dispensing organization owners and other dispensing organization agents, or service professionals conducting business with the dispensing organization.

"Member of an impacted family" means an individual who has a parent, legal guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to the effective date of this Act, was arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this Act.

"Mother plant" means a cannabis plant that is cultivated or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to an infuser or dispensing organization.

"Ordinary public view" means within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

"Ownership and control" means ownership of at least 51% of the business, including corporate stock if a corporation, and

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control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"Possession limit" means the amount of cannabis under Section 10-10 that may be possessed at any one time by a person 21 years of age or older or who is a registered qualifying medical cannabis patient or caregiver under the Compassionate Use of Medical Cannabis Pilot Program Act.

"Principal officer" includes a cannabis business establishment applicant or licensed cannabis business establishment's board member, owner with more than 1% interest of the total cannabis business establishment or more than 5% interest of the total cannabis business establishment of a publicly traded company, president, vice president, secretary, treasurer, partner, officer, member, manager member, or person with a profit sharing, financial interest, or revenue sharing arrangement. The definition includes a person with authority to control the cannabis business establishment, a person who assumes responsibility for the debts of the cannabis business establishment and who is further defined in this Act.

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"Primary residence" means a dwelling where a person usually stays or stays more often than other locations. It may be determined by, without limitation, presence, tax filings; address on an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; or voter registration. No person may have more than one primary residence.

"Processing organization" or "processor" means a facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

"Processing organization agent" means a principal officer, board member, employee, or agent of a processing organization.

"Processing organization agent identification card" means a document issued by the Department of Agriculture that identifies a person as a processing organization agent.

"Purchaser" means a person 21 years of age or older who acquires cannabis for a valuable consideration. "Purchaser" does not include a cardholder under the Compassionate Use of Medical Cannabis Pilot Program Act.

"Qualified Social Equity Applicant" means a Social Equity Applicant who has been awarded a conditional license under this Act to operate a cannabis business establishment.

"Resided" means an individual's primary residence was

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eligible for expungement under this Act; or

(ii) is a member of an impacted family;

(3) for applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:

(i) currently reside in a Disproportionately Impacted Area; or

(ii) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this Act or member of an impacted family.

Nothing in this Act shall be construed to preempt or limit the duties of any employer under the Job Opportunities for Qualified Applicants Act. Nothing in this Act shall permit an employer to require an employee to disclose sealed or expunged offenses, unless otherwise required by law.

"Tincture" means a cannabis-infused solution, typically comprised of alcohol, glycerin, or vegetable oils, derived either directly from the cannabis plant or from a processed cannabis extract. A tincture is not an alcoholic liquor as defined in the Liquor Control Act of 1934. A tincture shall include a calibrated dropper or other similar device capable of accurately measuring servings.

"Transporting organization" or "transporter" means an organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis

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(3) Transportation of cannabis or cannabis products across state lines is prohibited.

Section 15-70. Operational requirements; prohibitions.

(a) A dispensing organization shall operate in accordance with the representations made in its application and license materials. It shall be in compliance with this Act and rules.

(b) A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.

(c) All cannabis, cannabis-infused products, and cannabis seeds must be obtained from an Illinois registered adult use cultivation center, craft grower, infuser, or another dispensary.

(d) Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which must be limited to containers that are no larger than 100 milliliters.

(e) A dispensing organization shall inspect and count product received by the adult use cultivation center before dispensing it.

(f) A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved by the Department.

(g) A dispensing organization shall maintain compliance with State and local building, fire, and zoning requirements or

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regulations.

(h) A dispensing organization shall submit a list to the Department of the names of all service professionals that will work at the dispensary. The list shall include a description of the type of business or service provided. Changes to the service professional list shall be promptly provided. No service professional shall work in the dispensary until the name is provided to the Department on the service professional list.

(i) A dispensing organization's license allows for a dispensary to be operated only at a single location.

(j) A dispensary may operate between 6 a.m. and 10 p.m. local time.

(k) A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.

(l) A dispensing organization shall ensure that any building or equipment used by a dispensing organization for the storage or sale of cannabis is maintained in a clean and sanitary condition.

(m) The dispensary shall be free from infestation by insects, rodents, or pests.

(n) A dispensing organization shall not:

(1) Produce or manufacture cannabis;

(2) Accept a cannabis product from an adult use cultivation center, craft grower, infuser, dispensing

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organization, or transporting organization unless it is pre-packaged and labeled in accordance with this Act and any rules that may be adopted pursuant to this Act;

(3) Obtain cannabis or cannabis-infused products from outside the State of Illinois;

(4) Sell cannabis or cannabis-infused products to a purchaser unless the dispensary organization is licensed under the Compassionate Use of Medical Cannabis Pilot Program, and the individual is registered under the Compassionate Use of Medical Cannabis Pilot Program or the purchaser has been verified to be over the age of 21;

(5) Enter into an exclusive agreement with any adult use cultivation center, craft grower, or infuser. Dispensaries shall provide consumers an assortment of products from various cannabis business establishment licensees such that the inventory available for sale at any dispensary from any single cultivation center, craft grower, processor, or infuser entity shall not be more than 40% of the total inventory available for sale. For the purpose of this subsection, a cultivation center, craft grower, processor, or infuser shall be considered part of the same entity if the licensees share at least one principal officer. The Department may request that a dispensary diversify its products as needed or otherwise discipline a dispensing organization for violating this requirement;

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(6) Refuse to conduct business with an adult use cultivation center, craft grower, transporting organization, or infuser that has the ability to properly deliver the product and is permitted by the Department of Agriculture, on the same terms as other adult use cultivation centers, craft growers, infusers, or transporters with whom it is dealing;

(7) Operate drive-through windows;

(8) Allow for the dispensing of cannabis or cannabis-infused products in vending machines;

(9) Transport cannabis to residences or other locations where purchasers may be for delivery;

(10) Enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers.

(11) Operate a dispensary if its video surveillance equipment is inoperative;

(12) Operate a dispensary if the point-of-sale equipment is inoperative;

(13) Operate a dispensary if the State's cannabis electronic verification system is inoperative;

(14) Have fewer than 2 people working at the dispensary at any time while the dispensary is open;

(15) Be located within 1,500 feet of the property line of a pre-existing dispensing organization;

(16) Sell clones or any other live plant material;

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(17) Sell cannabis, cannabis concentrate, or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate, or cannabis-infused product must be separately identified by quantity and price on the receipt;

(18) Violate any other requirements or prohibitions set by Department rules.

(o) It is unlawful for any person having an Early Approval Adult Use Cannabis Dispensing Organization License, a Conditional Adult Use Cannabis Dispensing Organization, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program or any officer, associate, member, representative, or agent of such licensee to accept, receive, or borrow money or anything else of value or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any adult use cultivation center, craft grower, infuser, or transporting organization. This includes anything received or borrowed or from any stockholders, officers, agents, or persons connected with an adult use cultivation center, craft grower, infuser, or transporting organization. This also excludes any received or borrowed in exchange for preferential placement by the dispensing organization, including preferential placement on

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the dispensing organization's shelves, display cases, or website.

(p) It is unlawful for any person having an Early Approval Adult Use Cannabis Dispensing Organization License, a Conditional Adult Use Cannabis Dispensing Organization, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program to enter into any contract with any person licensed to cultivate, process, or transport cannabis whereby such dispensary organization agrees not to sell any cannabis cultivated, processed, transported, manufactured, or distributed by any other cultivator, transporter, or infuser, and any provision in any contract violative of this Section shall render the whole of such contract void and no action shall be brought thereon in any court.

Section 15-75. Inventory control system.

(a) A dispensing organization agent-in-charge shall have primary oversight of the dispensing organization's cannabis inventory verification system, and its point-of-sale system. The inventory point-of-sale system shall be real-time, web-based, and accessible by the Department at any time. The point-of-sale system shall track, at a minimum the date of sale, amount, price, and currency.

(b) A dispensing organization shall establish an account

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(6) the licensee, principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee, or the agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 20-30. Cultivation center requirements; prohibitions.

(a) The operating documents of a cultivation center shall include procedures for the oversight of the cultivation center a cannabis plant monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A cultivation center shall implement a security plan reviewed by the Department of State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, 24-hour surveillance system to monitor the interior and exterior of the cultivation center facility and accessibility to authorized law enforcement, the Department of Public Health where processing takes place, and the Department of Agriculture in real time.

(c) All cultivation of cannabis by a cultivation center must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The cultivation center location shall only

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be accessed by the agents working for the cultivation center, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, local and State law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, individuals in a mentoring or educational program approved by the State, or other individuals as provided by rule.

(d) A cultivation center may not sell or distribute any cannabis or cannabis-infused products to any person other than a dispensing organization, craft grower, infusing organization, transporter, or as otherwise authorized by rule.

(e) A cultivation center may not either directly or indirectly discriminate in price between different dispensing organizations, craft growers, or infuser organizations that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (e) prevents a cultivation centers from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.

(f) All cannabis harvested by a cultivation center and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled

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under Section 55-21, and placed into a cannabis container for transport. All cannabis harvested by a cultivation center and intended for distribution to a craft grower or infuser organization must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(g) Cultivation centers are subject to random inspections by the Department of Agriculture, the Department of Public Health, local safety or health inspectors, and the Department of State Police.

(h) A cultivation center agent shall notify local law enforcement, the Department of State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone or in person, or by written or electronic communication.

(i) A cultivation center shall comply with all State and any applicable federal rules and regulations regarding the use of pesticides on cannabis plants.

(j) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 cultivation centers licensed under this Article. Further, no person or entity that is employed by, an agent of, has a contract to receive payment in any form from a cultivation center, is a principal officer of a cultivation center, or entity controlled by or affiliated with a principal officer of a cultivation shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a

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cultivation that would result in the person or entity owning or controlling in combination with any cultivation center, principal officer of a cultivation center, or entity controlled or affiliated with a principal officer of a cultivation center by which he, she, or it is employed, is an agent of, or participates in the management of, more than 3 cultivation center licenses.

(k) A cultivation center may not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult use cannabis as provided in this Act.

(l) A cultivation center may process cannabis, cannabis concentrates, and cannabis-infused products.

(m) Beginning July 1, 2020, a cultivation center shall not transport cannabis to a craft grower, dispensing organization, infuser organization, or laboratory licensed under this Act, unless it has obtained a transporting organization license.

(n) It is unlawful for any person having a cultivation center license or any officer, associate, member, representative, or agent of such licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any person connected with or in any way

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representing, or to any member of the family of, such person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(o) A cultivation center must comply with any other requirements or prohibitions set by administrative rule of the Department of Agriculture.

Section 20-35. Cultivation center agent identification card.

(a) The Department of Agriculture shall:

(1) establish by rule the information required in an initial application or renewal application for an agent

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(2) the applicant would not be in compliance with local zoning rules;

(3) one or more of the prospective principal officers or board members causes a violation of Section 30-20 of this Article;

(4) one or more of the principal officers or board members is under 21 years of age;

(5) the person has submitted an application for a license under this Act that contains false information; or

(6) the licensee; principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 30-30. Craft grower requirements; prohibitions.

(a) The operating documents of a craft grower shall include procedures for the oversight of the craft grower, a cannabis plant monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A craft grower shall implement a security plan reviewed by the Department of State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, and a 24-hour surveillance system to monitor the interior and exterior of the craft grower facility and that is accessible to

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authorized law enforcement and the Department of Agriculture in real time.

(c) All cultivation of cannabis by a craft grower must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The craft grower location shall only be accessed by the agents working for the craft grower, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, State and local law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, or participants in the incubator program, individuals in a mentoring or educational program approved by the State, or other individuals as provided by rule. However, if a craft grower shares a premises with an infuser or dispensing organization, agents from those other licensees may access the craft grower portion of the premises if that is the location of common bathrooms, lunchrooms, locker rooms, or other areas of the building where work or cultivation of cannabis is not performed. At no time may an infuser or dispensing organization agent perform work at a craft grower without being a registered agent of the craft grower.

(d) A craft grower may not sell or distribute any cannabis to any person other than a cultivation center, a craft grower,

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an infuser organization, a dispensing organization, or as otherwise authorized by rule.

(e) A craft grower may not be located in an area zoned for residential use.

(f) A craft grower may not either directly or indirectly discriminate in price between different cannabis business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (f) prevents a craft grower from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.

(g) All cannabis harvested by a craft grower and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21, and, if distribution is to a dispensing organization that does not share a premises with the dispensing organization receiving the cannabis, placed into a cannabis container for transport. All cannabis harvested by a craft grower and intended for distribution to a cultivation center, to an infuser organization, or to a craft grower with which it does not share a premises, must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(h) Craft growers are subject to random inspections by the Department of Agriculture, local safety or health inspectors,

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and the Department of State Police.

(i) A craft grower agent shall notify local law enforcement, the Department of State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or written or electronic communication.

(j) A craft grower shall comply with all State and any applicable federal rules and regulations regarding the use of pesticides.

(k) A craft grower or craft grower agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:

(i) If the craft grower is located in a county with a population of 3,000,000 or more, the cannabis business establishment receiving the cannabis is within 2,000 feet of the property line of the craft grower;

(ii) If the craft grower is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis is within 2 miles of the craft grower; or

(iii) If the craft grower is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis is within 15 miles of the craft grower.

(l) A craft grower may enter into a contract with a

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transporting organization to transport cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization, or a laboratory.

(m) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 craft grower licenses. Further, no person or entity that is employed by, an agent of, or has a contract to receive payment from or participate in the management of a craft grower, is a principal officer of a craft grower, or entity controlled by or affiliated with a principal officer of a craft grower shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a craft grower license that would result in the person or entity owning or controlling in combination with any craft grower, principal officer of a craft grower, or entity controlled or affiliated with a principal officer of a craft grower by which he, she, or it is employed, is an agent of, or participates in the management of more than 3 craft grower licenses.

(n) It is unlawful for any person having a craft grower license or any officer, associate, member, representative, or agent of the licensee to offer or deliver money, or anything else of value, directly or indirectly, to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the

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Compassionate Use of Medical Cannabis Pilot Program Act, or to any person connected with or in any way representing, or to any member of the family of, the person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(o) A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

(p) A graft grower may process cannabis, cannabis concentrates, and cannabis-infused products.

(q) A craft grower must comply with any other requirements or prohibitions set by administrative rule of the Department of Agriculture.

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greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 35-25. Infuser organization requirements; prohibitions.

(a) The operating documents of an infuser shall include procedures for the oversight of the infuser, an inventory monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) An infuser shall implement a security plan reviewed by the Department of State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, and a 24-hour surveillance system to monitor the interior and exterior of the infuser facility and that is accessible to authorized law enforcement, the Department of Public Health, and the Department of Agriculture in real time.

(c) All processing of cannabis by an infuser must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The infuser location shall only be accessed by the agents working for the infuser, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, State and local law enforcement or other emergency personnel, contractors working on jobs

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unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, participants in the incubator program, individuals in a mentoring or educational program approved by the State, local safety or health inspectors, or other individuals as provided by rule. However, if an infuser shares a premises with a craft grower or dispensing organization, agents from these other licensees may access the infuser portion of the premises if that is the location of common bathrooms, lunchrooms, locker rooms, or other areas of the building where processing of cannabis is not performed. At no time may a craft grower or dispensing organization agent perform work at an infuser without being a registered agent of the infuser.

(d) An infuser may not sell or distribute any cannabis to any person other than a dispensing organization, or as otherwise authorized by rule.

(e) An infuser may not either directly or indirectly discriminate in price between different cannabis business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (e) prevents an infuser from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such volume discounts, or the way the products are delivered.

(f) All cannabis infused by an infuser and intended for

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distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21, and, if distribution is to a dispensing organization that does not share a premises with the infuser, placed into a cannabis container for transport. All cannabis produced by an infuser and intended for distribution to a cultivation center, infuser organization, or craft grower with which it does not share a premises, must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(g) Infusers are subject to random inspections by the Department of Agriculture, the Department of Public Health, the Department of State Police, and local law enforcement.

(h) An infuser agent shall notify local law enforcement, the Department of State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or by written or electronic communication.

(i) An infuser organization may not be located in an area zoned for residential use.

(j) An infuser or infuser agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:

(i) If the infuser is located in a county with a population of 3,000,000 or more, the cannabis business

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establishment receiving the cannabis or cannabis-infused product is within 2,000 feet of the property line of the infuser;

(ii) If the infuser is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 2 miles of the infuser; or

(iii) If the infuser is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 15 miles of the infuser.

(k) An infuser may enter into a contract with a transporting organization to transport cannabis to a dispensing organization or a laboratory.

(l) An infuser organization may share premises with a craft grower or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

(m) It is unlawful for any person or entity having an infuser organization license or any officer, associate, member, representative or agent of such licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use

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Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any person connected with or in any way representing, or to any member of the family of, such person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act, or to any stockholders in any corporation engaged the retail sales of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(n) At no time shall an infuser organization or an infuser agent perform the extraction of cannabis concentrate from cannabis flower.

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license under this Act that contains false information; or

(6) the licensee, principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

Section 40-25. Transporting organization requirements; prohibitions.

(a) The operating documents of a transporting organization shall include procedures for the oversight of the transporter, an inventory monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A transporting organization may not transport cannabis or cannabis-infused products to any person other than a cultivation center, a craft grower, an infuser organization, a dispensing organization, a testing facility, or as otherwise authorized by rule.

(c) All cannabis transported by a transporting organization must be entered into a data collection system and placed into a cannabis container for transport.

(d) Transporters are subject to random inspections by the Department of Agriculture, the Department of Public Health, and the Department of State Police.

(e) A transporting organization agent shall notify local law enforcement, the Department of State Police, and the

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Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or by written or electronic communication.

(f) No person under the age of 21 years shall be in a commercial vehicle or trailer transporting cannabis goods.

(g) No person or individual who is not a transporting organization agent shall be in a vehicle while transporting cannabis goods.

(h) Transporters may not use commercial motor vehicles with a weight rating of over 10,001 pounds.

(i) It is unlawful for any person to offer or deliver money, or anything else of value, directly or indirectly, to any of the following persons to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website:

(1) a person having a transporting organization license, or any officer, associate, member, representative, or agent of the licensee;

(2) a person having an Early Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act;

(3) a person connected with or in any way representing, or a member of the family of, a person holding an Early

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Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act; or

(4) a stockholder, officer, manager, agent, or representative of a corporation engaged in the retail sale of cannabis, an Early Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Pilot Program Act.

(j) A transportation organization agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment and during the transportation of cannabis when acting under his or her duties as a transportation organization agent. During these times, the transporter organization agent must also provide the identification card upon request of any law enforcement officer engaged in his or her official duties.

(k) A copy of the transporting organization's registration and a manifest for the delivery shall be present in any vehicle transporting cannabis.

(l) Cannabis shall be transported so it is not visible or recognizable from outside the vehicle.

(m) A vehicle transporting cannabis must not bear any markings to indicate the vehicle contains cannabis or bear the

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name or logo of the cannabis business establishment.

(n) Cannabis must be transported in an enclosed, locked storage compartment that is secured or affixed to the vehicle.

(o) The Department of Agriculture may, by rule, impose any other requirements or prohibitions on the transportation of cannabis.

Section 40-30. Transporting agent identification card.

(a) The Department of Agriculture shall:

(1) establish by rule the information required in an initial application or renewal application for an agent identification card submitted under this Act and the nonrefundable fee to accompany the initial application or renewal application;

(2) verify the information contained in an initial application or renewal application for an agent identification card submitted under this Act and approve or deny an application within 30 days of receiving a completed initial application or renewal application and all supporting documentation required by rule;

(3) issue an agent identification card to a qualifying agent within 15 business days of approving the initial application or renewal application;

(4) enter the license number of the transporting organization where the agent works; and

(5) allow for an electronic initial application and

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(o) Labeling, including warning labels, may be modified by rule by the Department of Agriculture.

Section 55-25. Local ordinances. Unless otherwise provided under this Act or otherwise in accordance with State law:

(1) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact reasonable zoning ordinances or resolutions, not in conflict with this Act or rules adopted pursuant to this Act, regulating cannabis business establishments. No unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may prohibit home cultivation or unreasonably prohibit use of cannabis authorized by this Act.

(2) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances or rules not in conflict with this Act or with rules adopted pursuant to this Act governing the time, place, manner, and number of cannabis business establishment operations, including minimum distance limitations between cannabis business establishments and locations it deems sensitive, including colleges and universities, through the use of conditional use permits. A unit of local government, including a home rule unit, may establish civil penalties for violation of

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an ordinance or rules governing the time, place, and manner of operation of a cannabis business establishment or a conditional use permit in the jurisdiction of the unit of local government. No unit of local government, including a home rule unit or non-home rule county within an unincorporated territory of the county, may unreasonably restrict the time, place, manner, and number of cannabis business establishment operations authorized by this Act.

(3) A unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county may regulate the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with this Act. A cannabis business establishment or other entity authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

(4) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may not regulate the activities described in paragraph (1), (2), or (3) in a manner more restrictive than the regulation of those activities by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units

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of powers and functions exercised by the State.

(5) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances to prohibit or significantly limit a cannabis business establishment's location.

Section 55-28. Restricted cannabis zones.

(a) As used in this Section:

"Legal voter" means a person:

(1) who is duly registered to vote in a municipality with a population of over 500,000;

(2) whose name appears on a poll list compiled by the city board of election commissioners since the last preceding election, regardless of whether the election was a primary, general, or special election;

(3) who, at the relevant time, is a resident of the address at which he or she is registered to vote; and

(4) whose address, at the relevant time, is located in the precinct where such person seeks to circulate or sign a petition under this Section.

As used in the definition of "legal voter", "relevant time" means any time that:

(i) a notice of intent is filed, pursuant to subsection (c) of this Section, to initiate the petition process under this Section;

ORDINANCE NO. 2019-10-059

**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE
(Cannabis Text Amendment – Plan Case 2385-T-19)**

WHEREAS, the City Council passed Ordinance No. 9293-124 on June 21, 1993, which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (410 ILCS 705/) on June 25, 2019, making it legal as of January 1, 2020, for all adults 21 and older to possess and consume cannabis for non-medical purposes in the State of Illinois; and

WHEREAS, non-medical, adult use cannabis business uses are not included in the Urbana Zoning Ordinance; and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Zoning Ordinance to add definitions and establish use provisions for non-medical, adult use cannabis businesses the Zoning Ordinance; and

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2385-T-19; and

WHEREAS, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission held public hearings on the petition on September 19, 2019 and October 10, 2019; and

WHEREAS, the Plan Commission voted six ayes to zero nays on October 10, 2019, to forward Plan Case No. 2385-T-19 to the City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, the amendments described herein conform to the goals, objectives and policies of the 2005 Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Ordinance Attachment A, which is attached hereto and incorporated herein by reference:

- A. Article II, "Definitions," Section II-3, "Definitions,"
- B. Article V, "Use Regulations," Section V-13, "Regulations of Medical Cannabis Uses," Table V-1, "Table of Uses."

Section 2.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 21st day of October, 2019.

AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

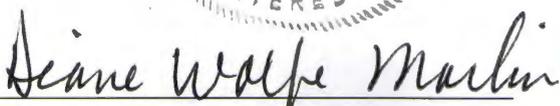
ABSTENTIONS:



 Charles A. Smyth, City Clerk



APPROVED BY THE MAYOR this 22nd day of October, 2019.



 Diane Wolfe Marlin, Mayor

ORDINANCE ATTACHMENT A

Section II-3. Definitions

Cannabis Business: A craft grower, cultivation center, dispensary, infuser, processor or transporter, as defined by the Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 *et seq.*, as amended.

Section V-13. Regulation of Cannabis Uses

- A. Medical cannabis uses shall only be allowed in locations that are consistent with the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*, as amended):
1. No medical cannabis cultivation center shall be located or established in a building or structure within 2,500 feet of the property line of a pre-existing public or private preschool or elementary school or secondary school or day care center, day care home, group day care home, part day child care facility, or on any lot in an R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, B-3U or MOR Zoning District. State law reference 410 ILCS 130/105(c).
- B. Cannabis business uses shall only be allowed in locations that are consistent with the Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 *et seq.*, as amended, and as follows:
1. No non-medical dispensary shall be located on a parcel whose property line is within 1,500 feet of the property line of a pre-existing non-medical dispensary or within 100 feet of a public or private elementary or secondary school. State law references 410 ILCS 705/15-20(b); 410 ILCS 705/15-70(n)(15).
 2. No craft grower shall be located on a parcel whose property line is within 1,500 feet of the property line of another craft grower or cultivation center. State law reference 410 ILCS 705/30-30(o).
 3. A Special Use Permit is required to establish a cannabis cultivation center or craft grower on a parcel whose property line is within 300 feet of any residentially zoned lot in the City of Urbana, City of Champaign, or Champaign County, or in the B-3U or MOR Zoning District.
 4. Cannabis cultivation centers and craft growers shall mitigate exterior odors by installing air scrubbing and/or air filtration systems, or by some other means approved by the Zoning Administrator.

Table V-1. Table of Uses

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
<i>Cannabis Business</i>																				
Craft Grower									S			P	P	P	P				P	P
Cultivation Center (Non-Medical)									S										P	P
Dispensary (Non-Medical)											S	P	P	P	P				P	P
Infuser												P	P*	P*	P				P	P
Processor																			P	P
Transporter																			P	P
<i>Medical Cannabis</i>																				
Medical Cannabis Cultivation									S										S	P
Medical Cannabis Dispensary												P		P					P	

**Use permitted by right when the gross square footage of the use is 3,500 square feet or less per floor, and by conditional use when the gross square footage is greater than 3,500 square feet per floor.*



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 21st day of October, 2019 the City Council of the City of Urbana passed and approved Ordinance No. 2019-10-059, entitled:

**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE
(CANNABIS TEXT AMENDMENT – PLAN CASE 2385-T-19)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2019-10-059 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 22nd day of October, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 22nd day of October, 2019.





Charles A. Smyth, City Clerk

PRELIMINARY DRAFT

972-AT-20

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: ***{February 27, 2020}***

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

- A. Add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center.**
 - B. Add requirements to authorize adult cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000 population as follows:**
 - 1. Authorize adult-use cannabis Dispensing Organization by right in the B-4 Zoning District subject to specified conditions.**
 - 2. Authorize adult-use cannabis Infuser Organization by right in the I-2 Zoning District subject to specified conditions.**
 - 3. Authorize adult-use cannabis Processing Organization by right in the I-2 Zoning District subject to specified conditions.**
 - 4. Authorize adult-use cannabis Transporting Organization by right in the B-3 and B-4 Zoning Districts subject to specified conditions or as a Special Use Permit in the AG-2 Zoning District subject to conditions or as a home occupation in any zoning district subject to specified conditions.**
 - 5. Authorize adult-use cannabis Cultivation Center by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.**
 - 6. Authorize adult-use cannabis Craft Grower by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.**
-

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to establish the requirements for adult-use cannabis businesses in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. Objectives 4.1, 4.4, 4.5, 4.6, 4.9 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will ***HELP ACHIEVE*** or will ***NOT IMPEDE*** the achievement of Goal 4 for the following reasons:

A. Objective 4.2 states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will ***HELP ACHIEVE*** Objective 4.2 for the following reasons:

(1) Policy 4.2.1 states, “**The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is provided better in a rural area than in an urban area.**”

The proposed amendment will ***HELP ACHIEVE*** Policy 4.2.1 for the following reasons:

a. The only discretionary review developments allowed through the proposed amendment are for:

- (a) an ADULT-USE CANNABIS TRANSPORTING ORGANIZATION in the AG-2 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, which requires a Special Use Permit; and
- (b) an ADULT-USE CANNABIS CULTIVATION CENTER located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, which requires a County Board approved Special Use Permit.

- (c) an “ADULT-USE CANNABIS CRAFT GROWER” located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, which requires a County Board approved Special Use Permit.
 - b. Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).
- (2) Policy 4.2.2 states, **“The County may authorize discretionary review development in a rural area if the proposed development:**
 - a. **is a type that does not negatively affect agricultural activities; or**
 - b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.2 for the following reasons:

- a. Cannabis cultivation occurs inside buildings, so there should be no negative impact on or from surrounding agricultural activities.
 - b. Cannabis transport should have no different impact on rural roads than trucks used for agricultural hauling, and there will be far fewer cannabis transport trucks than other trucks used for agriculture.
 - c. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.
- (3) Policy 4.2.3 states, **“The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.3 for the following reason:

- a. Cannabis related discretionary developments can have a condition added for recognizing the Right to Farm Resolution 3425 like many other discretionary uses in unincorporated Champaign County.
- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all**

discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”

The proposed amendment will *NOT IMPEDE* Policy 4.2.4 for the following reason:

- a. Cannabis cultivation is considered agriculture and therefore will not need a buffer.

- B. Objective 4.3 states, “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will *NOT IMPEDE* Objective 4.3 for the following reasons:

- (1) Policy 4.3.1 states **“On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**
- (2) Policy 4.3.2 states, **“On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**
- (3) Policy 4.3.3 states, **“The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**
- (4) Policy 4.3.4 states, **“The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**
- (5) Policy 4.3.5 states, **“On best prime farmland, the County will authorize a business or other non-residential use only if:**
 - a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**
- (6) The proposed amendment will *NOT IMPEDE* Policies 4.3.1, 4.3.2, 4.3.3, 4.3.4, and 4.3.5 for the following reasons:
 - a. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.
 - b. Cannabis related discretionary developments support agriculture; cultivating cannabis is considered agriculture.

- C. Objective 4.7 states, “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

The proposed amendment will *HELP ACHIEVE* Objective 4.7 for the following reason:

- (1) Cannabis related discretionary developments can have a condition added for recognizing the Right to Farm Resolution 3425 like many other discretionary uses in unincorporated Champaign County.

D. Objective 4.8 states, “Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.”

The proposed amendment will **HELP ACHIEVE** Objective 4.8 for the following reason:

- (1) Locally grown cannabis can contribute to local food systems.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9 and Objectives 5.2, 5.3 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** the achievement of Goal 5 for the following reasons:

- A. Objective 5.1 states, “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed amendment will **HELP ACHIEVE** Objective 5.1 for the following reasons:

- (1) Policy 5.1.4. states, “**The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:**
 - a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
 - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and**
 - c. **the development is generally consistent with all relevant LRMP objectives and policies.”**

The proposed amendment will **HELP ACHIEVE** Policy 5.1.4 for the following reasons:

- a. The proposed amendment only allows cannabis related land uses under certain restrictions and only within 1.5 miles of a home rule municipality with more than 20,000 population, or in other words, within 1.5 miles of the cities of Champaign and Urbana.
- b. Within 1.5 miles of Champaign and Urbana, the proposed amendment will require the same standards as are required by the nearest home rule municipality. Champaign does not require anything other than compliance with the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027), but Urbana has additional requirements and those requirements are proposed to be requirements that must be met in the Urbana 1.5-mile extraterritorial jurisdiction area.

- c. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. Policies 6.1.1, 6.1.2, 6.1.4 and Objectives 6.2, 6.3, and 6.4 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:

- A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

The proposed amendment will *HELP ACHIEVE* Objective 6.1 for the following reasons:

- (1) Policy 6.1.3. states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed amendment will *HELP ACHIEVE* Policy 6.1.3 for the following reason:

- a. The proposed amendment includes a requirement for control of night lighting. Some cultivation centers grow cannabis in greenhouses and the night lighting can be a nuisance to neighbors.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 is *NOT RELEVANT* to the proposed amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

(1) Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).

(2) The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).

(3) The proposed amendment only authorizes cannabis related land uses within the 1.5-mile extraterritorial jurisdiction of the cities of Champaign and Urbana.

F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

(1) The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.

(2) The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).

J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
 - A. A classification which allows certain cannabis related land uses that are already allowed by Illinois law while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
 - B. Continuity with adjacent communities' regulations for cannabis related land uses.
 - C. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 4, 5, and 6.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2, 3, 4, 7, 8, and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

DOCUMENTS OF RECORD

1. Legal advertisement for Case 972-AT-20
2. Preliminary Memorandum for Cases 972-AT-20 and 973-AT-20, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated December 23, 2019, with attachments:
 - A Proposed Amendment
 - B Alternative Transporter, Cultivation Center, and Craft Grower
 - C Side-by-side comparison of proposed amendments in Cases 972-AT-20 and 973-AT-20
 - D Land Resource Management Plan (LRMP) Goals & Objectives
 - E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated February 27, 2020
 - F Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated February 27, 2020

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 972-AT-20** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**Attachment G1. Case 972-AT-20
Proposed Amendment to Establish Requirements for Cannabis Uses**

1. Add the following definitions to Section 3 Definitions:

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

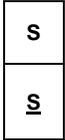
ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**Attachment G1. Case 972-AT-20
Proposed Amendment to Establish Requirements for Cannabis Uses**

2. Revise Section 5.2 as follows (new text underlined):

SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<u>ADULT USE CANNABIS DISPENSING ORGANIZATION</u> ²³															
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>												
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵															
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶															
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						

	= Permitted by right		= Permitted on individual LOTS as a SPECIAL USE		= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right		= Proposed to be permitted on individual LOTS as a SPECIAL USE		= Proposed to be permitted as a County Board SPECIAL USE Permit

Footnotes

23. ADULT-USE CANNABIS DISPENSING ORGANIZATION to be allowed By-Right in the B-4 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) Shall not be located within 1,500 feet of any existing ADULT-USE CANNABIS DISPENSING ORGANIZATION or any existing medical cannabis dispensing organization.
 - (2) If located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that has minimum separation requirements between a dispensing organization to a public or private elementary or secondary school, the use shall comply with those same municipal separation requirements.
 - (3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.
 - (4) Consumption of CANNABIS is allowed at the ADULT-USE CANNABIS DISPENSING ORGANIZATION if located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that also allows consumption of CANNABIS at an ADULT-USE CANNABIS DISPENSING ORGANIZATION.
 - (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
24. ADULT-USE CANNABIS TRANSPORTING ORGANIZATION to be allowed By-Right in the B-3 and B-4 Zoning Districts within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a Special Use Permit in the AG-2 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a HOME OCCUPATION in any zoning district within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population subject to the relevant requirements of Section 7.1.1 or 7.1.2, subject to the following requirements:

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(1) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

25. ADULT-USE CANNABIS INFUSER ORGANIZATION to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
- (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

26. ADULT-USE CANNABIS PROCESSING ORGANIZATION to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
- (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

27. ADULT-USE CANNABIS CULTIVATION CENTER to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
- (2) A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CULTIVATION CENTER.
- (3) A CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION CENTER.
- (4) The CULTIVATION CENTER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
- (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

28. ADULT-USE CANNABIS CRAFT GROWER to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:

- (1) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER.
- (2) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by

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some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.

- (3) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.
- (4) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.
- (5) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
- (6) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
- (7) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

3. Add to Section 6.1.3 as follows (new text underlined):

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						MAJOR	COLLECTOR	MINOR			
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<u>ADULT USE CANNABIS CULTIVATION CENTER</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<u>ADULT USE CANNABIS CRAFT GROWER</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>

Footnotes

- (1) Standard same as applicable zoning DISTRICT

PRELIMINARY DRAFT

973-AT-20

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: ***{February 27, 2020}***

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

- A. Add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center.**
- B. Add requirements to authorize the following adult cannabis businesses only within 1.5 miles of a home rule municipality with more than 20,000 population as follows:**
 - 1. Authorize adult-use cannabis Dispensing Organization by right in the B-4 Zoning District subject to specified conditions.**
 - 2. Authorize adult-use cannabis Infuser Organization by right in the I-2 Zoning District subject to specified conditions.**
 - 3. Authorize adult-use cannabis Processing Organization by right in the I-2 Zoning District subject to specified conditions.**
- C. Add requirements to authorize the following adult cannabis businesses except within 1.5 miles of non-home rule municipalities and except within 1.5 miles of a home rule municipality with a population of 20,000 or less and except within 1.5 miles of a residential zoning district located more than 1.5 miles from a home rule municipality with more than 20,000 population, as follows:**
 - 1. Authorize adult-use cannabis Transporting Organization by right in the B-3 and B-4 Zoning Districts or as a County Board approved Special Use Permit in the AG-2 Zoning District subject to conditions or as a home occupation in any zoning district subject to specified conditions.**
 - 2. Authorize adult-use cannabis Cultivation Center by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.**

- 3. Authorize adult-use cannabis Craft Grower by right in any Zoning District subject to specified conditions or by County Board approved Special Use Permit in any Zoning District subject to conditions if located 300 feet or less from an existing residence or residentially zoned lot.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to establish the requirements for adult-use cannabis businesses in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. Objectives 4.1, 4.4, 4.5, 4.6, 4.9 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will *HELP ACHIEVE* or will *NOT IMPEDE* the achievement of Goal 4 for the following reasons:

A. Objective 4.2 states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will *HELP ACHIEVE* Objective 4.2 for the following reasons:

(1) Policy 4.2.1 states, “**The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is provided better in a rural area than in an urban area.**”

The proposed amendment will *HELP ACHIEVE* Policy 4.2.1 for the following reasons:

a. The only discretionary review developments allowed through the proposed amendment are for:

- (a) an ADULT-USE CANNABIS TRANSPORTING ORGANIZATION in the AG-2 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, which requires a Special Use Permit; and
- (b) an ADULT-USE CANNABIS CULTIVATION CENTER located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts ~~within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population,~~ which requires a County Board approved Special Use Permit.

- (c) an “ADULT-USE CANNABIS CRAFT GROWER” located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts ~~within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population~~, which requires a County Board approved Special Use Permit.
- b. Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).
- (2) Policy 4.2.2 states, **“The County may authorize discretionary review development in a rural area if the proposed development:**
 - a. **is a type that does not negatively affect agricultural activities; or**
 - b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.2 for the following reasons:

- a. Cannabis cultivation occurs inside buildings, so there should be no negative impact on or from surrounding agricultural activities.
- b. Cannabis transport should have no different impact on rural roads than trucks used for agricultural hauling, and there will be far fewer cannabis transport trucks than other trucks used for agriculture.
- c. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.
- (3) Policy 4.2.3 states, **“The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.3 for the following reason:

- a. Cannabis related discretionary developments can have a condition added for recognizing the Right to Farm Resolution 3425 like many other discretionary uses in unincorporated Champaign County.
- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all**

discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”

The proposed amendment will *NOT IMPEDE* the achievement of Policy 4.2.4 for the following reason:

- a. The proposed amendment authorizes Transporter, Cultivation Center, and Craft Grower cannabis businesses anywhere in the AG-1 District (Transporter only as a Home Occupation) but requires a 1.5-mile buffer around villages and home rule municipalities that do not allow cannabis uses and also around residential districts such as Penfield and Seymour.

- B. Objective 4.3 states, “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will *NOT IMPEDE* the achievement of Objective 4.3 for the following reasons:

- (1) Policy 4.3.1 states “**On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.**”
- (2) Policy 4.3.2 states, “**On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**”
- (3) Policy 4.3.3 states, “**The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.**”
- (4) Policy 4.3.4 states, “**The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.**”
- (5) Policy 4.3.5 states, “**On best prime farmland, the County will authorize a business or other non-residential use only if:**
 - a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.**”
- (6) The proposed amendment will *NOT IMPEDE* the achievement of Policies 4.3.1, 4.3.2, 4.3.3, 4.3.4, and 4.3.5 for the following reasons:
 - a. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.
 - b. Cannabis related discretionary developments support agriculture; cultivating cannabis is considered agriculture.

- C. Objective 4.7 states, “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

The proposed amendment will **HELP ACHIEVE** Objective 4.7 for the following reason:

- (1) Cannabis related discretionary developments can have a condition added for recognizing the Right to Farm Resolution 3425 like many other discretionary uses in unincorporated Champaign County.

- D. Objective 4.8 states, “Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.”

The proposed amendment will **HELP ACHIEVE** Objective 4.8 for the following reason:

- (1) Locally grown cannabis can contribute to local food systems.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9 and Objectives 5.2, 5.3 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 5 for the following reasons:

- A. Objective 5.1 states, “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed amendment will **HELP ACHIEVE** Objective 5.1 for the following reasons:

- (1) Policy 5.1.4. states, “**The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:**
- a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
 - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and**
 - c. **the development is generally consistent with all relevant LRMP objectives and policies.”**

The proposed amendment will **HELP ACHIEVE** Policy 5.1.4 for the following reasons:

- a. Within 1.5 miles of Champaign and Urbana, the proposed amendment will require the same standards as are required by the nearest home rule municipality. Champaign does not require anything other than compliance with the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027), but Urbana has additional requirements and those requirements are proposed to be requirements that must be met in the Urbana 1.5-mile extraterritorial jurisdiction area.
- b. The proposed amendment will require any discretionary cannabis related land use to be authorized either by a ZBA Special Use Permit or a County Board Special Use Permit, which will allow for site specific review.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. Policies 6.1.1, 6.1.2, 6.1.4 and Objectives 6.2, 6.3, and 6.4 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:

- A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

The proposed amendment will *HELP ACHIEVE* Objective 6.1 for the following reason:

- (1) Policy 6.1.3. states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed amendment will *HELP ACHIEVE* Policy 6.1.3 for the following reason:

- a. The proposed amendment includes a requirement for control of night lighting. Some cultivation centers grow cannabis in greenhouses and the night lighting can be a nuisance to neighbors.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 is **NOT RELEVANT** to the proposed amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

(1) Cultivation Centers and Craft Grower are examples of what would otherwise be considered “agriculture” albeit a highly regulated form of agriculture. Counties in Illinois cannot regulate agriculture. The State’s Attorney’s Office has reviewed the proposed amendment and has no legal concerns due to the special nature of cannabis regulation under the Cannabis Regulation and Tax Act (CRTA; Public Act 101-0027).

(2) The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).

(3) The proposed amendment authorizes Transporter, Cultivation Center, and Craft Grower cannabis businesses anywhere in the AG-1 District (Transporter only as a Home Occupation) but requires a 1.5-mile buffer around villages and home rule municipalities that do not allow cannabis uses and also around residential districts such as Penfield and Seymour.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

- (1) The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.
- (2) The proposed amendment includes any required separations that are in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027).

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment designates cannabis uses in zoning districts where similar uses are authorized.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

- 17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
 - A. A classification which allows certain cannabis related land uses that are already allowed by Illinois law while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
 - B. Continuity with adjacent communities' regulations for cannabis related land uses.
 - C. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 27, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 4, 5, and 6.
 - B. The proposed Zoning Ordinance text amendment will ***NOT IMPEDE*** the achievement of LRMP Goals 1, 2, 3, 4, 7, 8, and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

DOCUMENTS OF RECORD

1. Legal advertisement for Case 973-AT-20
2. Preliminary Memorandum for Cases 972-AT-20 & 973-AT-20, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated December 23, 2019, with attachments:
 - A Proposed Amendment
 - B Alternative Transporter, Cultivation Center, and Craft Grower
 - C Side-by-side comparison of proposed amendments in Cases 972-AT-20 and 973-AT-20
 - D Land Resource Management Plan (LRMP) Goals & Objectives
 - E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 972-AT-20 dated February 27, 2020
 - F Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 973-AT-20 dated February 27, 2020

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 973-AT-20** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**Attachment H1. Case 973-AT-20
Proposed Amendment to Establish Requirements for Cannabis Uses**

1. Add the following definitions to Section 3 Definitions:

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**Attachment H1. Case 973-AT-20
Proposed Amendment to Establish Requirements for Cannabis Uses**

2. Revise Section 5.2 as follows (new text underlined):

SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<u>ADULT USE CANNABIS DISPENSING ORGANIZATION</u> ²³															
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u> ²⁴			<u>S</u>												
<u>ADULT USE CANNABIS INFUSER ORGANIZATION</u> ²⁵															
<u>ADULT USE CANNABIS PROCESSING ORGANIZATION</u> ²⁶															
<u>ADULT USE CANNABIS CULTIVATION CENTER</u> ²⁷	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						
<u>ADULT USE CANNABIS CRAFT GROWER</u> ²⁸	<u>B</u>	<u>B</u>	<u>B</u>						<u>B</u>						

	= Permitted by right		= Permitted on individual LOTS as a SPECIAL USE		= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right		= Proposed to be permitted on individual LOTS as a SPECIAL USE		= Proposed to be permitted as a County Board SPECIAL USE Permit

Footnotes

23. ADULT-USE CANNABIS DISPENSING ORGANIZATION to be allowed By-Right in the B-4 Zoning District within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) Shall not be located within 1,500 feet of any existing ADULT-USE CANNABIS DISPENSING ORGANIZATION or any existing medical cannabis dispensing organization.
 - (2) If located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that has minimum separation requirements between a dispensing organization to a public or private elementary or secondary school, the use shall comply with those same municipal separation requirements.
 - (3) May share a PREMISES with a CRAFT GROWER in the B-4 District without a SPECIAL USE Permit.
 - (4) Consumption of CANNABIS is allowed at the ADULT-USE CANNABIS DISPENSING ORGANIZATION if located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality that also allows consumption of CANNABIS at an ADULT-USE CANNABIS DISPENSING ORGANIZATION.
 - (5) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
24. ADULT-USE CANNABIS TRANSPORTING ORGANIZATION to be allowed By-Right in the B-3 and B-4 Zoning Districts within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a Special Use Permit in the AG-2 Zoning District within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population; or as a HOME OCCUPATION in any zoning district within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population subject to the relevant requirements of Section 7.1.1 or 7.1.2, subject to the following requirements:

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- (1) Shall not be located less than 1.5 miles from a non-home rule municipality.
 - (2) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
 - (3) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
 - (4) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
25. ADULT-USE CANNABIS INFUSER ORGANIZATION to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
 - (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
26. ADULT-USE CANNABIS PROCESSING ORGANIZATION to be allowed By-Right in the I-2 Zoning District that is located within the 1.5-mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) May share a PREMISES with a CRAFT GROWER in the I-2 District without a SPECIAL USE Permit.
 - (2) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
27. ADULT-USE CANNABIS CULTIVATION CENTER to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) Shall not be located less than 1.5 miles from a non-home rule municipality.
 - (2) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
 - (3) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
 - (4) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more and that that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
 - (5) A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CULTIVATION CENTER.
 - (6) A CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION CENTER.

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- (7) The CULTIVATION CENTER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
- (8) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.
28. ADULT-USE CANNABIS CRAFT GROWER to be allowed By-Right or by County Board approved Special Use Permit if located 300 feet or less from an existing residence or an existing residentially zoned lot, in all non-residential zoning districts within the 1.5 mile extraterritorial jurisdiction of a home rule municipality of 20,000 or more population, subject to the following requirements:
- (1) Shall not be located within 1,500 feet of any CULTIVATION CENTER or other CRAFT GROWER.
- (2) Shall not be located less than 1.5 miles from a non-home rule municipality.
- (3) Shall not be located less than 1.5 miles from a home rule municipality with a population less than 20,000.
- (4) Shall not be located less than 1.5 miles from any residential zoning district that is located outside of the 1.5-mile extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more.
- (5) If located within the 1.5 miles extraterritorial jurisdiction of a home rule municipality with a population of 20,000 or more and that has requirements for odors to be mitigated by installing air scrubbing and/or exhaust air filtration or by some other means approved by the Zoning Administrator, the use shall comply with those same municipal odor mitigation requirements.
- (6) A CRAFT GROWER may also be a CANNABIS TRANSPORTER for CANNABIS grown and or processed at the CRAFT GROWER.
- (7) A CRAFT GROWER may also be a CANNABIS PROCESSING ORGANIZATION and or a CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CRAFT GROWER.
- (8) May share a PREMISES with a CANNABIS DISPENSING ORGANIZATION in the B-4 District without a SPECIAL USE Permit.
- (9) The CRAFT GROWER shall control nighttime lighting to ensure that little to no light escapes into the nighttime sky from where the CANNABIS is grown. The nighttime light controls shall be explained in the Special Use Permit and/or Zoning Use Permit Application.
- (10) Shall be in compliance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/ 1-1 et seq (Public Act 101-0027) as it may be amended from time-to-time, and regulations promulgated thereunder, and a copy of the State-approved license shall be filed with the Zoning Administrator prior to receiving a Zoning Compliance Certificate.

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3. Add to Section 6.1.3 as follows (new text underlined>):

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR		
						STREET Classification						
			MAJOR	COLLECTOR	MINOR							
<u>ADULT USE CANNABIS TRANSPORTING ORGANIZATION</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<u>ADULT USE CANNABIS CULTIVATION CENTER</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<u>ADULT USE CANNABIS CRAFT GROWER</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>

Footnotes

(1) Standard same as applicable zoning DISTRICT